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EXAMINER	
NGUYEN, THUY-VI THI	
ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/776,583	LAX, MICHAEL	
	Examiner	Art Unit	
	THUY-VI NGUYEN	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34; 36-37; 39, 42-43, 61-69* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34; 36-37; 39, 42-43, 61-69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the applicant's communication filed on 11/29/10, wherein:

Claims 1-34; 36-37; 39, 42-43, 61-69 are currently pending;

Claims 35, 38, 40-41, 44-60 have been cancelled;

Claims 32, 36-37 have been amended;

Claims 61-69 have been added.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims **32-34, 36-37, 39, 42-43** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 32, recited the limitation "a circuit deactivator configured to interrupt electrical communication within said circuit to provide access said asset; said deactivator being configured to interrupt electrical communication between a first portion of said circuit and a second portion of said circuit by physically separating said first and second portions of said circuit". It is not clear what is the relationship between an electrical circuit configured to communicate the information in (step 2) with the separation of the two portions of the electrical circuits in (step 3). In other words, what are the function of the first and the second portion of circuits? Does the separation of these two would means to the configuration of electronic circuit and ability to

communicate as recited in the first step? As a result it is not clear how the separation of the two portions of the circuit would achieve the result of provide access to the asset?

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-31, 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over FARRAR ET AL (US 2004/0123311) in view of BRADY ET AL (US 5,939,984).

As for independent claim 1, FARRAR ET AL discloses an apparatus for use with a benefit denial system, said apparatus comprising:

a containing element configured to receive an asset {see at least figure 1, 10, pars. 0002 discloses cases/container for holding disk shape data carriers, e.g. CD and DVD}; a security tag enclosed within the containing element configured to communicate information from indie the containing element {see figures 1-3, abstract pars. 0096-0097}.

However, FARRAR ET AL does not explicitly disclose that the tag is the circuit comprising an antenna associated with the containing element

BRADY cites the feature of the RFID tag with the circuit for used in an article surveillance system include the antenna is connected the chip 34 containing the tag memory {see figures 1-4, col. 3, lines 26-38 and lines 59-67; col. 4, lines 1-25}.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the electrical security tag of FARRAR ET AL to substitute the circuit and antenna feature in an RFID tag as taught by BRADY in order to improve a security system with the tag be read at distance and do not required a line of sight between tag and reader.

Note that Note: that it appears that independent claim 1 is an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997*). Apparatus claims cover what a device is, not what a device does. Hewlett-Packard Co. vs. Bausch & Lomb Inc. (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Note: as for the limitation "*to receive an asset and a lock having a locked condition that prevents access to the benefit of the asset*", " *information that unlocks the*

lock….the lock of asset" are considered as the intended use of the containing element and the electrical circuit, an antenna within the containing element.

However, the containing element of FARRAR ET AL/ BRADY is also capable of receiving an asset that have a lock condition that prevents access to the benefit by a user of the asset; and the electrical circuit comprises an antenna of FARRAR ET AL/ BRADY is capable of communicate information to a receiver outside said containing element. Further the fact that information unlocks the lock of asset; this is the function of structure that is not positively recited in the system claim.

As for dep. claims 2-5, FARRAR ET AL/ BRADY discloses a locking element configured to lock the containing element in a closed state, and the circuit is affixed to said locking element, and affixed to containing element; said locking element is removable from said containing element {see FARRAR ET AL abstract, figures 1-4, "the lockable security device 8", at least pars. 0094, 0133, 0135}

As for dep. claim 6, FARRAR ET AL/ BRADY discloses said electrical circuit is disposed inside said containing element when said containing element is closed; and said electrical circuit is configured to communicate said information {see FARRAR ET AL at least figs. 1-4}.

As for dep. claim 7, FARRAR ET AL/ BRADY discloses said circuit comprises a data storage device {see BRADY see figure 1-4, “tag memory 14"}.

As for dep. claim 8, FARRAR ET AL/ BRADY discloses said circuit is further configured to communicate said information when said asset is enclosed within said containing element {see at least figs. 1-4}. Further the fact that information

communicate in the circuit, this is the function of structure that is not positively recite in the system claim.

As for dep. claims 9-19, which deals with the asset include the type of benefit in the asset which is considered as intended use limitation of the containing element in the containing element. However the containing element of FARRAR ET AL/ BRADY is capable of receiving an asset include the type of benefit in an asset. {see FARRAR ET AL/ BRADY, at least figures 1-4} and further the fact that information/data is required by said system to provide said benefit; this is the function of structure that is not positively recited in the system claim.

As for claims 20-21, which discloses the well known type of material of the containing element e.g. opaque or solid material. It is noted that this type of material is common, old and well known in the art and would have been obvious to one of ordinary skill to use this material for making the container, for example, CD or DVD case. Furthermore, this is fairly taught in FARRAR ET AL, par. 0198

As for claim 22, which deals with type communication using a radio frequency signal, this is taught in FARRAR ET AL/ BRADY {see BRADY figures 1-4; col. 3, lines 25-38}.

As for independent claim 23, which carries the similar limitation as the rejected independent claim 1 above, therefore it is rejected for the same reason sets forth independent claim 1 as indicated above. Further the fact that information is configured to be sued by said system to execute said conveyance, this is noted as the function of structure that is not positively recited in the system claim.

As for dep. claim 24, FARRAR ET AL/ BRADY discloses said electrical circuit is disposed inside said containing element when said containing element is closed; and said electrical circuit is configured to communicate said information {see FARRAR ET AL at least figs. 1-4}.

As for dep. claim 25, FARRAR ET AL/ BRADY discloses said circuit is further configured to communicate said information when said asset is enclosed within said containing element {see at least figs. 1-4}. Further the fact that information communicate in the circuit, this is the function of structure that is not positively recite in the system claim.

As for dep. claims 26-31, which deals with how information is configured by the circuit device which is considered as intended use of the circuit device and the electrical circuit of FARRAR ET AL/ BRADY is capable of communication information. Further the fact that this function of the structure is not positively recited in the system claim.

As for independent claim 61, FARRAR ET AL discloses an apparatus for use with a benefit denial system, said apparatus comprising:

a containing element that includes a container body and a locking element;

{see at least figure 1, 10, abstract pars. 0002 discloses cases/container for holding disk shape data carriers, e.g. CD and DVD; "the lockable security device 8", at least pars. 0094, 0133, 0135};

the container body being movable between open and closed states {see figures 1-4};

the locking element having a locked and unlocked states; the locking element being carried by the container body and disposed within the container body when the container body is in the closed state and the locking element is in the locked state;

{see FARRAR ET AL abstract, figures 1-4, "the lockable security device 8", at least pars. 0094, 0133, 0135}

an electrical tag having a circuit and being carried by the locking element

{see figures 1-3, abstract pars. 0096-0097};

a security tag enclosed within the containing element configured to communicate information from indie the containing element {see figures 1-3, abstract pars. 0096-0097};

However, FARRAR ET AL does not explicitly disclose that the tag is the circuit comprising an antenna associated with the containing element

BRADY cites the feature of the RFID tag with the circuit for used in an article surveillance system include the antenna is connected the chip 34 containing the tag memory {see figures 1-4, col. 3, lines 26-38 and lines 59-67; col. 4, lines 1-25}.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the electrical security tag of FARRAR ET AL to substitute the circuit and antenna feature in an RFID tag as taught by BRADY in order to improve a security system with the tag be read at distance and do not required a line of sight between tag and reader.

Note: It appears that independent claim 1 is an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art.

While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997*). Apparatus claims cover what a device is, not what a device does. Hewlett-Packard Co. vs. Bausch & Lomb Inc. (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Therefore, as for the limitation "*the container body being configured to receive an asset; the asset having a benefit for a user; being adapted to communicate with a system....the asset*" are considered as the intended use of the container body and the electrical circuit with an antenna.

However, the containing element include a container body of FARRAR ET AL/ BRADY is also capable of receiving an asset that have a benefit for a user of the asset; and the electrical circuit comprises an antenna of FARRAR ET AL/ BRADY is capable of communicate with a system to provide a user access to the benefit of the asset. Further the fact that the feature of "communicate with a system", this is the function of structure that is not positively recited in the system claim.

As for dep. claim 62, FARRAR ET AL/ BRADY discloses the locking element is removable form the container body {see FARRAR ET AL abstract, figures 1-4, "the lockable security device 8", at least pars. 0094, 0133, 0135}.

As for dep. claim 63 discloses an asset is a media disc which is an intended use of the container body, and the container body of FARRAR ET AL/ BRADY is capable of receiving an asset which is a media disc {see FARRAR ET AL pars. 0003-0004}.

As for dep. claim 64, FARRAR ET AL/ BRADY discloses the electrical circuit and antenna are configured to communicate using a radio frequency signal {see BRADY col. 26-38}.

5. Claims 65-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over FARRAR ET AL (US 2004/0123311) in view of BRADY ET AL (US 5,939,984) and further in view of HODES (US 2002/0088855).

As for independent claim 65, FARRAR ET AL discloses an asset security system comprising:

a containing element that includes a container body and a locking element;

{see at least figure 1, 10, abstract pars. 0002 discloses cases/container for holding disk shape data carriers, e.g. CD and DVD; "the lockable security device 8", at least pars. 0094, 0133, 0135};

the container body being movable between open and closed states {see figures 1-4};

the locking element having a locked and unlocked states; the locking element being carried by the container body and disposed within the container body when the container body is in the closed state and the locking element is in the locked state;

{see FARRAR ET AL abstract, figures 1-4, "the lockable security device 8", at least pars. 0094, 0133, 0135}

an asset having a benefit being carried by the container body {see figure 27, at least pars. 0033, 0203}

an electrical tag having a circuit and being carried by the locking element

{see figures 1-3, abstract pars. 0096-0097};

However, FARRAR ET AL does not explicitly disclose that the tag is the circuit comprising an antenna associated with the containing element;

BRADY cites the feature of the RFID tag with the circuit for used in an article surveillance system include the antenna is connected the chip 34 containing the tag memory {see figures 1-4, col. 3, lines 26-38 and lines 59-67; col. 4, lines 1-25}.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the electrical security tag of FARRAR ET AL to substitute the circuit and antenna feature in an RFID tag as taught by BRADY in order to improve a security system with the tag be read at distance and do not required a line of sight between tag and reader.

The combination of FARRAR ET AL/ BRADY discloses the claimed invention above. FARRAR ET AL/ BRADY does not explicitly disclose "an access device that communicates with the electrical circuit to provide a user access/unlock to the benefit of the asset".

The system of HODES discloses a benefit denial system include an access device (transceiver) that communicate with the smart chip to provide a user access to

the benefit of the asset {see pars. 0007, 0083, discloses the smart chip is attached within the CD package which can *be read by an appropriate device* *at point of purchase and transmits to a platform or facility* *provided the control number and or other data related to the PIN and/or associated with the smart chip. Once transmitted, the control number or data related to the PIN or PINS are activated* at the *platform or facility. The receipt of the transaction is then sent to the verification or authorization entity.* and pars. 0107-0110 disclose when the unlocking process or encrypted codes of the asset by verifying the PINS number that are provided at the point of purchase.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the RFID tag containing the antenna, and a chip that attach within the container/package of FARRAR ET AL/ BRADY to include an access device to communicate with the electrical circuit in the smart chip to unlock the asset as taught by HODES for the benefit of improving the antitheft system even if when the asset get stolen, it still won't be used without unlocking the asset.

As for dep. claims 66-67, FARRAR ET AL/ BRADY/ HODES discloses the access device is a transceiver and communicates with the circuit to provide the access {see HODES pars. 0007, 0083}.

As for independent claims 68-69, basically these claims carry similar limitation as rejected independent claim 65 above. They are rejected for the same reason sets forth independent claim 65 as indicated above.

6. Claims 32-34; 36-37, 39, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over FARRAR ET AL (US 2004/0123311) in view of BRADY ET AL (US 5,939,984) and further in view of MASON (US 6,809,645)

As for independent claim 32, FARRAR ET AL discloses a container comprising:

a containing element configured to receive an asset {see at least figure 1, 10, pars. 0002 discloses cases/container for holding disk shape data carriers, e.g. CD and DVD}; a security tag enclosed within the containing element configured to communicate information from indie the containing element {see figures 1-3, abstract pars. 0096-0097}.

However, FARRAR ET AL does not explicitly disclose that the tag is the circuit comprising an antenna associated with the containing element

BRADY cites the feature of the RFID tag with the circuit for used in an article surveillance system include the antenna is connected the chip 34 containing the tag memory {see figures 1-4, col. 3, lines 26-38 and lines 59-67; col. 4, lines 1-25}.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the electrical security tag of FARRAR ET AL to substitute the circuit and antenna feature in an RFID tag as taught by BRADY in order to improve a security system with the tag be read at distance and do not required a line of sight between tag and reader.

Note that Note: that it appears that independent claim 1 is an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from

the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997*). Apparatus claims cover what a device is, not what a device does. Hewlett-Packard Co. vs. Bausch & Lomb Inc. (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Note: as for the limitation "*to receive an asset*"," *information corresponding to said asset*" are considered as the intended use of the containing element and the electrical circuit, an antenna within the containing element.

However, the containing element of FARRAR ET AL/ BRADY is also capable of receiving an asset that have a lock condition that prevents access to the benefit by a user of the asset; and the electrical circuit comprises an antenna of FARRAR ET AL/ BRADY is capable of communicate information to a receiver outside said containing element. Further the fact that information unlocks the lock of asset, this is the function of structure that is not positively recited in the system claim.

FARRAR ET AL/ BRADY discloses claimed invention as indicated above, <u>except for</u> the circuit deactivator configured to interrupt electrical communication within the circuit to provide access the asset, said deactivator being configured to interrupt

electrical communication between a first portion of said circuit and a second portion of said circuit by physically separating said first and second portions of said circuit.

MASON discloses the tags which are attached to articles of merchandise included radio frequency tags, magnetic tags. The radio frequency tags typically include a fusible link that may be *disconnected to deactivate the tag* by altering the characteristic of the electrical circuit in a tag…remove a tag from an article {see col. 2, lines 5-26};

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of FARRAR ET AL/ BRADY by including a circuit deactivator to deactivate the tag as taught by MASON in order to detect a surveillance tag attached to an article being processed at a checkout station and modifying a surveillance tag indicator in a product record of a product database in response to the surveillance tag present signal {see col. 4, lines 42-52; col. 5, lines 30-39}. Noted that when the fusible link get destroyed/deactivated the tag, then the circuit in the tag would have been physically separately in to first and the second circuit.

As for dep. claim 33, FARRAR ET AL discloses said electrical circuit is disposed inside said containing element when said containing element is closed; and said electrical circuit is configured to communicate said information {see FARRAR ET AL at least figs. 1-4}.

As for dep. claim 34, which discloses with the circuit is configured to communicate said information when said asset is enclosed within said containing

element {{see at least figs. 1-4}. Further the fact that information communicate in the circuit, this is the function of structure that is not positively recite in the system claim.

As for dep. claims 36-37, the combination of FARRAR ET AL/ BRADY / MASON discloses claimed invention as above, the combination of FARRAR ET AL/ BRADY / MASON does not explicitly the separating the first and second portions of said circuit is a data storage device and an antenna {see BRADY figures 1-4, col. 26-37}. However since FARRAR ET AL/ BRADY teaches the RFID tag comprise an antenna and a memory {see BRADY figures 1-4}, and since MASON teach the “infusible link is used to deactivate the tag". Giving the finite number components in the tag, there is a limit number of places to put the fusible link to achieve the end result of the deactivating. Further giving the tag configuration in Figures 1-5 in BRADY, it would have been obvious to try as well as convenience to place the fusible link between the memory and the antenna of BRADY for easy implementation.

AS for dep. claim 39, which discloses the deactivator is configured to be operated manually {see MASON, col. 1, lines 55-67, col. 2, lines 1-27}.

As for dep. claims 42-43 which deal with the information is configured to be used by a benefit system, and by an asset transaction system which is considered as intended use of the circuit device and the electrical circuit of FARRAR ET AL/ BRADY is capable of communication information. Further the fact that this function of the structure is not positively recited in the system claim.

Response to Arguments

Applicant's arguments filed 11/29/10 have been fully considered but they are not persuasive.

In response to Applicant's argument on pages 10-11 of the remark, Applicant states that the Office Action does not cite material in the cited references for numerous limitations of the claims. Instead the Office Action concludes these limitations can be ignored because they are not apparatus limitations. However this is not persuasive because the structure that is positively recited in claims includes (1) containing element configured to receive an asset, (2) an electrical circuit wherein the electrical circuit includes an antenna. These elements are taught in the combination of FARRAR ET AL/ BRADY as recited in the Office Action above. Noted: as for the limitation "the antenna is configured to communicate from inside the containing element, information that unlocks the lock of said asset/ or information corresponding to said asset" as recited in claims 1 and 23, this does not mean the information is part of structure recited in the claim. For example, Applicant does not recite a memory in the electronic circuit having stores therein information that unlocks the lock of the containing element. Further the fact, this information can be used for the purpose of conveyance, does not require an electronic circuit that is structurally distinct from the prior art. Furthermore, the Examiner has not ignored the limitations and the analysis has been explained in the Office Action as indicated above.

In response to Applicant's argument on page 10-11 of the remark, Applicant states that the cite material in FARRAR does not disclose “the electrical circuit and antenna provide the access or the conveyance of the benefit”. However this is not persuasive because FARRAR discloses a security tag having a circuit and being carried by the locking element {see figures 1-3, abstract, pars. 0096-0097}. Since FARRAR does not disclose the tag is the circuit comprising an antenna associated with the containing element, the reference of BRADY is applied to cite the feature of RFID tag with the circuit for used in an article surveillance system include the antenna is connected to the chip 34 containing the tag memory {see figures 1-4, col. 3, lines 26-38, and lines 59-67; col. 4, lines 1-25}. As all the positively recited structure features are met by the applied prior art, the combination must thus be able to "provide the access on the conveyance of the benefit".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689